

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

“JOHN DOE”,

Plaintiff,

- against -

ST. FRANCIS PREPARATORY SCHOOL,
FRANCISCAN BROTHERS OF BROOKLYN
and BROTHER MICHAEL MORAN,

Defendants.

Index No: 716344/2019

VERIFIED COMPLAINT

Plaintiff, “JOHN DOE”, by his attorneys, OKUN, ODDO & BABAT, P.C., alleges on personal knowledge as to himself and on information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1. This is an action to recover damages arising from defendant, MICHAEL MORAN’s sexual molestation of plaintiff, “JOHN DOE”, when the plaintiff was approximately 15 or 16 years old.

2. At all times relevant herein, defendant, BROTHER MICHAEL MORAN (hereinafter Moran), was the principal of defendant, ST. FRANCIS PREPARATORY SCHOOL. Defendant Moran plied the plaintiff with alcohol and molested the plaintiff in 1980, in Nassau County, in a mansion believed to be shared, used and/or occupied by the Brothers of the defendants.

3. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, who employed, supervised and/or directed defendant Moran, failed to take steps to prevent Moran from molesting children in his care. Instead, the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, left a sexual predator in charge of school-age children and failed to take appropriate and necessary

steps to protect young victims on whom defendant Moran preyed.

4. Plaintiff now seeks damages from the defendants who are legally responsible for defendant Moran's actions, and who failed to properly supervise and/or direct defendant Moran.

THE PARTIES

5. Plaintiff, "JOHN DOE", is an individual who resides in the State of Georgia. At the time of the events complained of, he was a minor residing in Queens.

6. Defendant, FRANCISCAN BROTHERS OF BROOKLYN, is a New York not-for-profit corporation located in Kings County.

7. Defendant, ST. FRANCIS PREPARATORY SCHOOL, is an accredited Catholic High School in the County of Queens, and, at all times relevant herein, is operated by the defendant, FRANCISCAN BROTHERS OF BROOKLYN.

8. The defendant, BROTHER MICHAEL MORAN, is a resident of the State of New York and the County of New York.

9. Throughout the relevant period, one or more of the defendants were responsible for the hiring, retention, direction and supervision of defendant Moran, in his role as principal, mentor and counselor for young boys.

FACTUAL BACKGROUND

10. Defendant, FRANCISCAN BROTHERS OF BROOKLYN, at all times relevant herein, operated the ST. FRANCIS PREPARATORY SCHOOL in Queens County, New York. Beginning at some point prior to 1980, the school employed defendant Moran as the principal.

11. Defendant Moran's duties and responsibilities included supervising, interacting with, mentoring and counseling minors, who were students under his charge at defendant, ST. FRANCIS PREPARATORY SCHOOL.

12. Defendant Moran developed an inappropriate relationship with the plaintiff,

inducing him as a young child, to look up to him, and to place absolute trust and confidence in him. Defendant Moran then betrayed and abused his position of authority, trust and confidence, by plying the plaintiff with alcohol and sexually abusing the plaintiff.

13. On or about January or February of 1980, defendant Moran took the plaintiff, a 15 or 16 year old minor, to a mansion and then to a bar in Nassau County where defendant plied the plaintiff with alcohol. Defendant Moran then brought the plaintiff to his car to drive back to St. Francis Preparatory School. At some point, the plaintiff passed out. When he woke up, the plaintiff's pants and underwear were around his ankles, and defendant Moran was fondling the plaintiff's genitals.

14. Defendant Moran was acting within the scope of his employment as a principal, counselor and mentor in soliciting the plaintiff's trust, and in meeting with the plaintiff alone outside the supervision of other adults. Defendant Moran abused the plaintiff's trust and used such meetings as opportunities to sexually abuse and otherwise molest the plaintiff.

15. Defendant Moran was acting within the scope of his employment as a counselor and principal when he counseled the plaintiff and brought the plaintiff to a mansion outside of campus. Defendant Moran used this opportunity to ply the plaintiff, an underage high school student, with alcohol, for the purpose of eventually taking advantage of plaintiff's intoxicated state, to sexually abuse and otherwise molest the plaintiff.

16. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, hired and/or appointed defendant Moran as a principal, mentor and counselor for minor boys. By so hiring or appointing him, the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, made certain representations about defendant Moran's character, specifically that defendant Moran was a role model for minor boys and/or an individual to whom minor boys could be safely entrusted. At the

time they hired and/or appointed defendant Moran, and made these representations about his character, the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, knew, or should have known of defendant Moran's propensity to molest boys and should not have put him in a position of trust and confidence with, and authority over young boys.

17. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, retained, supervised and/or directed defendant Moran, in his role as principal, mentor and counselor for minor boys in youth sports programs. By so retaining him, the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, made certain representations about defendant Moran's character, specifically that he was a role model for minor boys and an individual to whom minor boys could be safely entrusted. During the time that they retained defendant Moran as the principal, and made these representations about his character, the defendants knew, or should have known of Moran's propensity to molest boys, and, in particular, of his inappropriate relationship with the plaintiff. Rather than taking steps to prevent defendant Moran from sexually assaulting children, including removing him from a position of trust and confidence with, and authority over young boys, the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, instead turned a blind eye while the defendant Moran repeatedly engaged in inappropriate sexual conduct with minors under his charge, including the plaintiff herein. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, failed to direct and/or supervise defendant Moran in a manner to prevent, or detect defendant Moran's sexual abuse of minor boys, including the plaintiff.

18. As a result of defendant Moran's sexual abuse, the plaintiff suffered physical, psychological and emotional injury. The plaintiff experienced feelings of guilt, loss of self-

respect, shame, embarrassment, sadness, anger, depression, anxiety, suffered with alcohol and drug abuse as a result, as well as feelings of confusion resulting from defendant Moran's abuse. The plaintiff developed lifelong problems with authority, with sex, with establishing, developing and maintaining healthy relationships, and with being touched, as a result of defendant Moran's sexual abuse. The plaintiff suffered from nightmares, panic attacks, flashbacks and associated emotional and psychological injuries.

CAUSES OF ACTION

FIRST CAUSE OF ACTION: BATTERY AGAINST DEFENDANTS

19. Plaintiff repeats and realleges by reference all preceding paragraphs of this Complaint into this paragraph.

20. In January or February 1980, defendant Moran sexually abused the plaintiff as described above. Such bodily contact was offensive and was without consent, because the plaintiff was a minor and was incapable of consenting to these acts.

21. At the time defendant Moran sexually abused the plaintiff, he was employed or appointed by some or all of the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, as the plaintiff's principal, mentor and counselor. It was part of defendant Moran's job, as role model and principal, to gain the plaintiff's trust. Defendant Moran used his position of authority, and the representations made by the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, about his character that accompanied that position to gain the plaintiff's trust and confidence to create opportunities to be alone with and sexually abuse the plaintiff.

22. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, are liable for defendant Moran's sexual abuse, including psychological, emotional and economic injury as described above.

23. By reason of the foregoing, the defendants are liable to the plaintiff for battery in an amount which exceeds the jurisdictional limits of all lower Courts which may have jurisdiction of this matter.

SECOND CAUSE OF ACTION: ASSAULT AGAINST DEFENDANTS

24. Plaintiff repeats and realleges by reference all preceding paragraphs of this Complaint into this paragraph.

25. In 1980, defendant Moran sexually abused the plaintiff as described above. Such bodily contact placed the plaintiff in imminent apprehension of harmful contact, including apprehension of further sexual contact.

26. At the time defendant Moran sexually abused the plaintiff, he was employed or appointed by some or all of the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, as the plaintiff's principal, mentor and counselor. It was part of defendant Moran's job, as a role model, counselor and principal, to gain the plaintiff's trust. Defendant Moran used his position of authority and the representations made by the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, about his character that accompanied that position to gain the plaintiff's trust and confidence to create opportunities to be alone with, ply the plaintiff with alcohol and sexually abuse the plaintiff.

27. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, are liable for defendant, Moran's conduct under the doctrine of *respondeat superior*.

28. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, are liable for defendant Moran's offensive bodily contact, including psychological, emotional and economic injury as described above.

29. By reason of the foregoing, the defendants are liable to the plaintiff for assault in an amount which exceeds the jurisdictional limits of all lower Courts which may have jurisdiction of this matter.

**THIRD CAUSE OF ACTION: NEGLIGENT HIRING AGAINST
DEFENDANTS, ST. FRANCIS PREPARATORY SCHOOL and
FRANCISCAN BROTHERS OF BROOKLYN**

30. Plaintiff repeats and realleges by reference all preceding paragraphs of this Complaint into this paragraph.

31. Defendant Moran was hired as the principal by defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN.

32. The positions for which defendant, Moran, was hired required him to work closely with, mentor and counsel young boys.

33. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, were negligent in hiring defendant Moran, because they knew, or reasonably should have known of his propensity to develop inappropriate relationships with boys in his charge and to engage in sexual behavior and lewd and lascivious conduct with such boys.

34. At some point after the molestation and sexual abuse of the plaintiff, the defendant, FRANCISCAN BROTHERS OF BROOKLYN, relocated defendant Moran for the sole purpose of concealing the sexual molestation of children, including the plaintiff herein.

35. The defendants intentionally deceived the students and parents of the St. Francis Preparatory Community and facilitated and enabled defendant Moran to continue to sexually molest children.

36. The defendants demonstrated a reckless disregard for the safety and well-being of their students, by allowing defendant Moran to be employed as a principal with a known pattern of deviant behavior.

37. Defendant Moran would not and could not have been in a position to sexually abuse the plaintiff had he not been hired by the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, to be the principal, and mentor and counsel boys in the school, including the plaintiff.

38. The plaintiff suffered injury as a result of defendant Moran's sexually abuse, including psychological and emotional injury, as described above.

39. By reason of the foregoing, the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, are liable to the plaintiff for their negligent hiring of defendant Moran, in an amount which exceeds the jurisdictional limits of all lower Courts which may have jurisdiction of this matter.

**FOURTH CAUSE OF ACTION: NEGLIGENT RETENTION,
SUPERVISION AND/OR DIRECTION AGAINST DEFENDANTS,
ST. FRANCIS PREPARATORY SCHOOL and
FRANCISCAN BROTHERS OF BROOKLYN**

40. Plaintiff repeats and realleges by reference all preceding paragraphs of this Complaint into this paragraph.

41. At all times while defendant Moran was employed or appointed by the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, he was supervised by, under the direction of, and/or answerable to, the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, and/or their agents and employees.

42. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, were negligent in their direction and/or supervision of defendant Moran, in that they knew, or reasonably should have known, of his propensity to develop inappropriate relationships with boys under his charge and to engage in sexual behavior and lewd and lascivious conduct with such boys, yet they failed to take steps to prevent such conduct from

occurring.

43. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, were negligent in their retention of defendant Moran, in that they knew, or reasonably should have known, of his propensity to develop inappropriate relationships with boys under his charge and to engage in sexual behavior and lewd and lascivious conduct with such boys, yet it retained him in his position as principal and counselor to such boys and thus left him in a position to continue such behavior.

44. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, were further negligent in their retention, supervision and/or direction of defendant, Moran, in that he sexually abused the plaintiff on the premises used, occupied and/or maintained by one or more defendants. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, failed to take reasonable steps to prevent such events from occurring on and off their premises.

45. The plaintiff suffered injury as a result of defendant Moran's sexual abuse, including psychological and emotional injury, as well as economic damages, as described above.

46. By reason of the foregoing, the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, are liable to the plaintiff for their negligent retention, supervision and/or direction of defendant Moran, in an amount which exceeds the jurisdictional limits of all lower Courts which may have jurisdiction of this matter.

**FIFTH CAUSE OF ACTION: INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS AGAINST DEFENDANTS**

47. Plaintiff repeats and realleges by reference all preceding paragraphs of this Complaint into this paragraph.

48. The sexual* abuse of the plaintiff when he was a minor was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized

community.

49. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, knew or disregarded the substantial probability that defendant, Moran's conduct would cause severe emotional distress to the plaintiff.

50. The plaintiff suffered severe emotional distress including psychological and emotional injury, as well as economic damages, as described above. This distress was caused by defendant Moran's sexual abuse of the plaintiff.

51. At the time defendant Moran sexually abused the plaintiff, which Moran knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, Moran was employed as the plaintiff's principal, mentor and counselor by the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN. It was part of defendant Moran's job as a role model and principal to gain the plaintiff's trust. Defendant Moran used his position of authority and the representations made by the defendants about his character that accompanied that position, to gain the plaintiff's trust and confidence, and to create opportunities to be alone with and sexually abuse the plaintiff.

52. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, are liable for defendant Moran's conduct under the doctrine of *respondeat superior*.

53. By reason of the foregoing, the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, are liable to the plaintiff for intentional infliction of emotional distress in an amount which exceeds the jurisdictional limits of all lower Courts which may have jurisdiction of this matter.

**SIXTH CAUSE OF ACTION: NEGLIGENT INFLICTION
OF EMOTIONAL DISTRESS AGAINST DEFENDANTS**

54. Plaintiff repeats and realleges by reference all preceding paragraphs of this

Complaint into this paragraph.

55. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, owed a duty to the plaintiff because he was a minor entrusted to their care, and because the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, through their hiring and/or appointment, and their retention of defendant Moran, represented that Moran was a role model for minor boys and an individual to whom minor boys could be safely entrusted.

56. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, breached its duty to the plaintiff by negligently hiring, appointing, retaining, supervising and/or directing defendant Moran, and in failing to protect the plaintiff from a sexual predator.

57. The plaintiff suffered severe emotional distress including psychological and emotional injury as described above. This distress was a direct result of the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, breach of their duty.

58. In addition to their own direct liability for negligently inflicting emotional distress on the plaintiff, the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, are also liable for defendant Moran's negligent infliction of emotional distress under the doctrine of *respondeat superior*. At the time defendant Moran breached his duty to the plaintiff, he was employed as the plaintiff's principal, mentor and counselor by some or all of the defendants. It was part of defendant Moran's job as role model and principal to gain the plaintiff's trust. Defendant Moran used his position of authority and the representations made by the defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, about his character that accompanied that

position, to gain the plaintiff's trust and confidence and to create opportunities to be alone with and brutally sexually abuse the plaintiff.

59. By reason of the foregoing, the defendants are liable to the plaintiff for negligent infliction of emotional distress in an amount which exceeds the jurisdictional limits of all lower Courts which may have jurisdiction of this matter.

JURY DEMAND

60. Plaintiff demands a trial by jury of all issues triable by jury in this action.

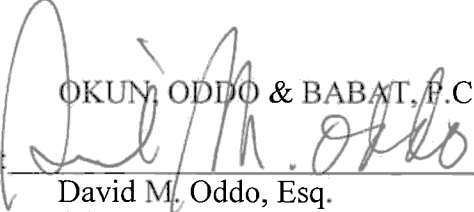
WHEREFORE, plaintiff prays for judgment as follows:

A. Awarding compensatory damages in an amount sufficient to compensate plaintiff for his injuries;

B. Awarding plaintiff costs, disbursements and attorneys fees to the extent available by law; and

C. Awarding such other and further relief as this Court may deem just and proper.

Dated: New York, New York
October 10, 2019

By: 
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

"JOHN DOE",

Plaintiff,

- against -

ST. FRANCIS PREPARATORY SCHOOL,
FRANCISCAN BROTHERS OF BROOKLYN
and BROTHER MICHAEL MORAN,

Defendants.

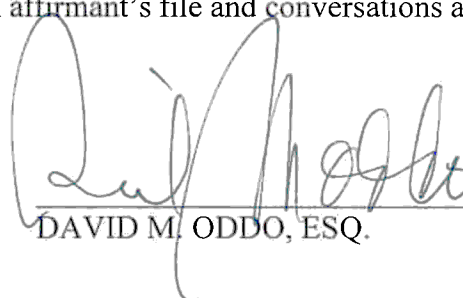
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VERIFICATIONSTATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

The undersigned, an attorney admitted to practice in the Courts of the State of New York, hereby affirms under the penalties of perjury as follows:

That affirmant is the attorney for the plaintiff in the within action; that affirmant has read the foregoing COMPLAINT and knows the contents thereof; that the same is true to affirmant's knowledge, except the matters stated to be alleged on information and belief, and that those matters affirmant believes to be true. The reason this verification is made by affirmant and not by the plaintiff is that the plaintiff does not reside in the County in which affirmant maintains an office. The grounds of belief as to all matters not stated upon affirmant's knowledge are documents, correspondence and records maintained in affirmant's file and conversations and conferences had with the plaintiff.

Dated: New York, New York
October 10, 2019



DAVID M. ODDO, ESQ.